

1 MARK E. INBODY (SBN 180862)
 2 minbody@selmanlaw.com
 3 SELMAN BREITMAN LLP
 33 New Montgomery, Sixth Floor
 3 San Francisco, CA 94105-4537
 4 Telephone: 415.979.0400
 4 Facsimile: 415.979.2099

5 Attorneys for Plaintiff SIRIUS AMERICA INSURANCE COMPANY,
 6 as successor in interest to MUTUAL SERVICE CASUALTY
 7 INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SIRIUS AMERICA INSURANCE
 11 COMPANY, as successor in interest to
 12 MUTUAL SERVICE CASUALTY
 13 INSURANCE COMPANY,

14 Plaintiff,

15 v.

16 COMAC INVESTMENTS, INC.; DOES 1-10,

Defendant.

Case No. CASE NO. 3:15-CV-03462-SI
 STIPULATION AND ~~[PROPOSED]~~ ORDER FOR
 ENTRY OF JUDGMENT

Judge: Susan Illston

Complaint Filed: July 28, 2015

17 STIPULATED ORDER AND FINAL JUDGMENT

18 Plaintiff Sirius America Insurance Company ("Sirius") filed its Complaint for declaratory
 19 relief and reimbursement. Pursuant to a settlement agreement and release, Sirius and Comac
 20 Investments, Inc. ("Comac") have stipulated to a dismissal of the third and fourth causes of
 21 action for reimbursement. (Dkt. #30.) The remaining first and second causes of action are for
 22 declaratory relief regarding Sirius' duty to defend and indemnify Comac in the Underlying
 23 Action, respectively.

24 Sirius and Comac stipulate to entry of this Stipulated Final Judgment and Order to
 25 resolve the remaining matters in dispute in this action between them.

26 NOW THEREFORE, Plaintiff and Defendant, having requested the Court to enter this
 27 Order, and the Court having considered the Order reached between the parties, IT IS HEREBY
 28 ORDERED, ADJUDGED, AND DECREED as follows:

FINDINGS

2 1. The Court has jurisdiction over this matter.

3 2. The Complaint alleges that Sirius never had a duty to defend or indemnify Comac as a

4 matter of law in the Underlying Action.

5 3. Defendant admits the facts set forth in Sirius' motion for partial summary judgment,

6 and admits that Sirius never had a duty to defend or indemnify it as a matter of law in the

7 Underlying Action as set forth in Sirius' motion. (Dkt. #23 - #28.)

8 4. Comac waives all rights to appeal or otherwise challenge or contest the validity of this

9 Order.

SO ORDERED.

Dated: 12/1/15

Susan Illston

Hon. Susan Illston, District Judge of the
United States District Court, Northern
District of California

SO STIPULATED.

DATED: November 30, 2015

SELMAN BREITMAN LLP

By: /s/ Mark E. Inbody
MARK E. INBODY

1 DATED: November 30, 2015

2
3
4 CRAIGIE, MCCARTHY & CLOW

5 By: /s/ Peter W. Craigie
6 PETER W. CRAIGIE
7 Attorney for Defendant COMAC
8 INVESTMENTS, INC.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Selman Breitman LLP
ATTORNEYS AT LAW